

ANALYSIS AND FINDINGS FOR
LAND DIVISION APPROVAL

Section 40.45.15.3.C lists the criteria in order to approve a Preliminary Subdivision Type II application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. The proposal satisfies the threshold requirements for a Preliminary Subdivision application.***

Facts and Findings:

Section 40.45.15.3.A Threshold: An application for Preliminary Subdivision shall be required when the following threshold apply:

“The creation of four or more new lots from a lot of record in one (1) calendar year.”

The applicant has received approval to create 23-lots within this subdivision; however the approval included a condition which requires the grading of the subdivision be within plus or minus two feet of the approved grading plan. The applicant is proposing to modify the grading on the subject in excess of two feet. Pursuant to Section 50.95.6 of the Development Code, modification of a condition is approved by the same decision making authority. Further the applicant is proposing to phase the proposed subdivision. With the proposed phasing of the subdivision, the number of lots to be recorded will remain the same, but the proposal will result in the recordation of more than four lots at two different times. As phasing of a proposed subdivision is reviewed with a Land Division application, the request to phase an approved subdivision would also be reviewed in this application.

Therefore, staff find that the proposal meets the criterion for approval.

- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.***

Facts and Findings:

The City of Beaverton received the appropriate fee of \$2,108.00 for a Preliminary Subdivision application.

Therefore, staff find that the proposal meets the criterion for approval.

3. ***Oversized lots shall have a size and shape which will facilitate the future partitioning or subdividing of such lots in accordance with the requirements of this Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots as well as the future development on oversized lots.***

Facts and Findings:

The definition of oversized lot in the Development Code reads: “A lot which is greater than twice the required minimum lot size allowed by the subject zoning district.” The proposal is the modification of a previously approved application (LD2003-0033). The proposed modification is to the grading of the subject site and the request for approval to phase the subdivision. While Phase 1 will result in creating an oversized lot, Phase 2 shows the remainder of the lots created as approved in LD2003-0033. The proposal as shown will not preclude the development from meeting the density requirements of the zoning district and further creating lots within the size range between 5,000 to 7,945 square feet, well below the square footage required to be considered oversized within the R-5 district.

Therefore, staff find that the proposal meets the criterion for approval

4. ***If phasing is requested by the applicant, the requested phasing plan can be carried out in a manner which satisfies the approval criteria and provides necessary public improvements for each phase as the project develops.***

Facts and Findings:

The applicant is requesting to modify the previous approval to include phasing of the proposed subdivision. As described by the applicant, Phase 1 is to include the construction of SW Cynthia Street, a portion of SW Hammond Terrace, and the construction of Lots 1 through 6, 21, 22 and 23 with the associated utilities. Phase 2 is to include the construction of the remainder of SW Hammond Terrace, construction of SW Brookings Lane, and the development of the remaining 12 lots with their associated utilities. As noted in the Technical Review and Recommendations Report (Attachment A), the applicant does not clearly describe the improvements on SW 155th Avenue. The staff conditioned these improvements as part of Phase 1 to clarify when the SW 155th Avenue improvements are to be completed. By meeting the conditions of approval staff find that the phasing plan can be carried to provide adequate public improvements at each phase.

Therefore, staff find that by meeting the conditions of approval, the proposal meets the criterion for approval

5. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

Facts and Findings:

The intent of this criterion is to ensure the project applicant submits all the proper development applications in the proper sequence. The applicant has submitted only this Preliminary Subdivision application with no additional applications necessary to approve this proposal.

Therefore, staff find that the proposal can meet the criterion.

SUMMARY OF FINDINGS: For the reasons identified above, staff find that the request for Preliminary Subdivision approval is supported within the approval criteria findings, noted above, for Chapter 40, Section 45.15.3.C of the Development Code.

The Committee met on November 17, 2004, and have provided findings, and recommended conditions of approval to meet the necessary technical requirements identified in Section 40.03 of the Development Code. Based on the facts and findings presented, the Director concludes that the proposal, LD2004-0034 Blackstone Subdivision Modifications, meets the criteria.

RECOMMENDATION

Based on the facts and findings presented, staff recommend **APPROVAL** of **LD2004-0034 (Blackstone Subdivision Modifications)**, subject to the applicable conditions identified in Attachment C.